

Chapter 16 HOME OCCUPATIONS

5-16-1. Definitions.

- a. Home Occupation: Means a business conducted as an accessory use in a residential zone as defined in and subject to the regulations in the Sandy City Land Development Code §15-13-14 ROSC and as set forth herein.
- b. Business License Coordinator: Means the individual who is responsible for performing the activities of the Business License Section.
- c. Business License Section: Means the Business License Section of the Community Development Department.
- d. Child Day Care: Means continuous care and supervision for five (5) or more children under thirteen (13) years of age or children with disabilities under nineteen (19) years of age in lieu of care ordinarily provided by parents in their own home for at least four but less than 24 hours a day and for direct or indirect compensation. For purposes of licensing under this chapter child day care does not mean care provided to children by or in the homes of parents, legal guardians, grandparents, brothers, sisters, uncles, or aunts, or as part of the program of an educational institution regulated by the boards of education of this state or by a parochial education or a parochial child care institution.
- e. Department: Means the Community Development Department of Sandy City.
- f. Disability: As defined by §57-21-2 Utah Code Annotated.

5-16-2. Relationship To Ordinances and Regulations.

All Home Occupations shall conform to all fire, building, plumbing, electrical and health codes, the Sandy Land Development Code and all other regulations established by local, state or federal law. The Business Licensing Section shall coordinate the licensing review for all Home Occupations and issue Home Occupation licenses.

5-16-3. Home Occupation License Required.

No person may conduct a business within a residence, the lot upon which it sits or within any of its accessory structures except as a home occupation in compliance with this Chapter. Except as specifically provided by Sandy City Ordinance, it shall be unlawful for any person to engage in or conduct a Home Occupation without having first procured a Home Occupation license from Sandy City, sometimes hereinafter to be called a "license". The license shall be renewed each year.

5-16-4. Transferability.

Home Occupation licenses are not transferable to any other person or to any other location than that which is indicated on the approved application.

5-16-5. Fees.

- a. Fees for Home Occupation licenses shall be established by resolution of City Council. All applicants for licenses shall pay the required fee unless otherwise excepted herein. Failure to pay the required fee shall preclude issuance or renewal of a license and may be cause for suspension or revocation.
- b. Any Home Occupation that has or will have annual gross receipts below \$1,000.00, shall be licensed but shall not be required to pay license fees. Proof of eligibility for the fee exemption is required by providing copies of federal or state tax returns.
- c. The Business Licensing Coordinator may waive certain Home Occupation license fees for persons with disabilities to assist them to become self sufficient pursuant to policies established by the Department.

5-16-6. Licensing Procedure.

In addition to the hearing requirements established for Conditional Uses in the Land Development Code, the License Coordinator may require additional hearings or approval for the aggregate effect more than one Home Occupation located within the same dwelling.

- a. An applicant for a Category I Permitted Home Occupation shall submit an application therefor to the Business License Section on a form to be supplied by the Business License Section.

b. An applicant for a Category II Conditional Use Home Occupation must first obtain a Conditional Use Permit and must then submit an application for a Home Occupation license to the Business License Section on a form to be supplied by the Business License Section.

c. The applicant shall attest to compliance with all the requirements for Home Occupations as set forth above.

d. The Business License Section will request recommendations of approval or denial of, the Home Occupation License from the City departments, Boards and Commissions, and/or County, State or Federal agencies it determines appropriate.

e. Recommendation for approval or denial of a license application, should be returned by the several departments to the Business License Section within thirty (30) days of the request thereof, and conditions as set by Planning Commission should be returned within thirty (30) days after the first available Planning Commission hearing, unless the matter is continued for further review. After receiving appropriate recommendations, the Business Licensing Section shall either deny the license application, set the matter before the hearing officer, or issue a license.

5-16-7. Issuance or Denial of License.

Granting of a license under the provisions of this ordinance shall not be considered or deemed a right and, if granted, inures to the benefit of the applicant only as a privilege temporarily granted. The City reserves the right to deny any application for a license described herein. If the Business License Coordinator finds that any applicant does not meet the requirements of or is disqualified under any section herein, or if it is found that the application is deficient in any way, or any of the facts provided thereon are false or in question, the application shall be denied or the license revoked.

5-16-8. Grounds for Denial, Suspension or Revocation of a Home Occupation License.

a. Any Home Occupation license requested or granted pursuant to this section may be denied, suspended or revoked by the Business License Coordinator pursuant to procedures established herein for the following:

1. Violation on the licensed premises of any of the provisions of this section; or
2. Violation by the applicant or employees of any other Sandy City, Salt Lake County, State or federal laws governing the operation of the Home Occupation; or
3. Applicant/licensee supplied false or misleading information when applying for a Home Occupation license; or the applicant withheld relevant information on any application for any use or suffered or caused another to furnish or withhold such information on his or her behalf; or
4. The owner, employee or operator of the business has violated any of the provisions of the Business License or Sandy Land Development Code or the Standards, Qualifications or conditions required to obtain the Home Occupation license or the property no longer complies with the Standards, Qualifications or conditions necessary to obtain or maintain a license; or
5. The applicant has failed to pay applicable property tax, sales tax, utility tax, or license tax; or
6. Any conduct or act of the applicant or employees on the premises where the Home Occupation is conducted, where the act is a nuisance, a public nuisance, or a menace to the health, safety, peace or general welfare of the city or its inhabitants; or
7. The applicant/licensee has refused to allow authorized representatives of the City to make an inspection or has interfered with such representatives while in the performance of his duty in making such inspection; or
8. The applicant is not complying with a requirement or condition set forth by the Sandy Land Development Code, Planning Commission or Business License Section, or by agreement; or

9. The Home Occupation was given a recommendation for approval from the Department as a legal nonconforming use and is not complying with any requirement or condition established therefor by previous ordinance or conditions of approval or is in violation of subsections 1- 8 above.

10. Upon good cause, as indicated and requested by any of the Sandy City, Salt Lake County, Utah State or Federal agencies required to supply consent for the Home Occupation license to be issued. Grounds for denial, revocation or suspension of a Home Occupation include violations of any City, County, State or Federal laws or regulations; or

11. Any other reason expressly provided for in this chapter.

b. The Department shall give at least fourteen (14) days prior written notice, mailed or otherwise delivered to the address listed on the application as the address where the Home Occupation is being conducted, of the alleged violation or the manner in which the property no longer complies with the requirements for the Home Occupation, with the opportunity to correct the problem during said time. The fourteen (14) day notice period may be waived or reduced if there is a risk to public health, safety or welfare. Any substantiated, unresolved complaint, regarding the violation of standards, qualifications or application requirements or any of the above violations, which is received and verified by the City, against any Home Occupation licensed under this section, will require that any licenses be revoked and the business cease to operate.

5-16-9. Process for Appeal of Denied, Suspended or Revoked Licenses.

a. In the event a license application submitted pursuant to this Chapter is denied or a license previously issued is suspended or revoked by the Business License Section, the applicant shall be given written notice as to the reasons for such denial, suspension or revocation. The applicant may then submit a written appeal, within fourteen (14) days of mailing of notice of denial, suspension or revocation, to the hearing officer who shall be the, Community Development Director or designee.

b. The applicant must allege that there is an error in the decision or determination made by the Business License Section and the factual and legal basis for such allegation. The applicant has the burden of proving that the Business License Section erred. In order to satisfy its burden, the applicant may submit written material, graphic representations and, if a hearing is held, oral testimony, to which the City will have the opportunity to respond. The Hearing Officer shall review the information submitted by the applicant and the City and may hold a hearing therefor. The Hearing Officer shall then issue a written decision and may make written findings. Written notice shall be given to the applicant within thirty (30) days of the Hearing Officer's decision.

c. The Hearing Officer will review the decision of the Business License Section to determine if there is a rational basis for the Section's decision. If there is a rational basis for the Business License Section's decision, the Hearing Officer shall uphold the decision of the Business License Section. If the applicant so desires, the applicant may further appeal the decision of the Hearing Officer to Sandy City Board of Adjustment within thirty (30) days of the Hearing Officer's decision. In the appeal to the Board of Adjustment, the plaintiff may only allege that the Hearing Officer's decision was arbitrary, capricious, or illegal.

d. If the applicant so desires, the applicant may further appeal the decision of the Hearing Officer to district court within thirty (30) days of the Board of Adjustment's decision. In the appeal to district court, the plaintiff may only allege that the Board's decision was arbitrary, capricious, or illegal.

e. If a Home Occupation license is denied, suspended or revoked, the applicant may reapply for a new Home Occupation license after the period of suspension or revocation, provided there is complete conformance with all of the current Home Occupation regulations.

15A-11-05 **HOME OCCUPATIONS-LAND USE CODE**

A. Purpose. The purposes of this section are to:

1. Provide an opportunity for home occupations as an accessory use when they are compatible with the neighborhoods in which they are located. A home occupation shall not be construed to mean an employee working in his home in the service of an employer whose principal place of business is licensed at another location.

2. Provide an opportunity for a home occupation to engage in the business of child care and other group child activities and encourage this type of

home occupation to draw clients/customers from their immediate neighborhood.

3. Guide business activities which are not compatible with neighborhoods to appropriate commercial zones.

4. Safeguard peace, quiet, and domestic tranquility within all residential neighborhoods. Protect residents from the adverse effects of business uses being conducted in residential areas from noise, nuisance, traffic, fire hazards and other possible business uses that create significant impacts on a neighborhood.

5. Provide a means to enforce and regulate the businesses that are licensable through the authority of the Business License regulations of the Revised Ordinances of Sandy City (ROSC), and if necessary terminate home occupations if violations of the ordinances regulating home occupations occur.

B. Home Occupation License. All home occupations shall be licensed unless specifically provided an exemption in this section or in the Business License regulations of the ROSC. The authority to issue a license to conduct a home occupation shall be under the jurisdiction of the Business License Office of the Community Development Department.

C. Categories and Requirements of Home Occupation Licenses. Home Occupation businesses are licensable as Category I, Permitted Home Occupation, or Category II, Conditional Use Home Occupation. A Category II Conditional Use Home Occupation requires review and approval of the Planning Commission.

D. Home Occupation Standards. All home occupations shall comply with the following standards at all times:

1. Bona Fide Resident. The home occupation business shall be owned by and carried on only by a bona fide resident of the home.

2. Satellite Office Not Allowed. A home occupation shall not be construed to mean an employee working in his home in the service of an employer whose principal place of business is licensed at another location. Business activities shall not be conducted at the home of an employee of a company by non-resident company employees.

3. Accessory Use on the Property. For residential purposes, the home occupation shall be clearly secondary and incidental to the primary use of the dwelling unit.

4. On-Site Employees. One full-time or full-time equivalent non-resident may be employed, volunteer, or work on the premises where the home occupation business is located. No more than two persons shall comprise the equivalent full-time employee, and only one non-resident employee may work at the home at one time.

5. Off-Site Employees. Any home occupation may utilize employees to work off site. The off-site employee, volunteer, hiree, or any other person engaged with the home occupation shall not come to the home for purposes related to the Home Occupation Business License except for incidental vehicle stops.

6. Off-Street Parking. All business related vehicles which park at the location of the home occupation, including those of the applicant, employee, customers, clients, or business-related visitor vehicles, must use off-street parking. This provision excludes stops made by delivery vehicles.

7. Vehicle Advertisement. Vehicles or equipment may not be used for the primary purpose of advertising the home occupation at the site of the home occupation.

8. Designating Areas of Property to be Used. The home occupation applicant must designate the portion of the home, accessory structure, yard, attached or detached garage as the principal location for business activities.

9. External Appearance. The home occupation must maintain or improve the external residential appearance of the principal structure, attached or detached garage, or accessory structure. Any structural alterations to accommodate the home occupation shall maintain the

architectural aesthetics and compatibility of the neighborhood.

10. **Outdoor/Yard Space.** The home occupation shall not involve the use of any unscreened or unenclosed yard space for storage or display of supplies, inventory, or equipment when such use is in conjunction with the sales, service, or production of goods. Any screened area or structure used for the home occupation must be located in either the side or rear yard areas.

11. **Conformity with Safety Codes.** There shall be complete conformity with fire, building, plumbing, electrical and all other City, County, State and Federal codes.

12. **Health and Safety.** No process can be used which is hazardous to public health, safety, morals, or welfare.

13. **No Excessive Utility Uses.** The home occupation shall not cause a demand for municipal, community, or utility services that are substantially in excess of those usually and customarily provided for residential uses.

14. **Neighborhood Disruptions Not Permitted.** The home occupation shall not interfere or disrupt the peace, quiet, and domestic tranquility of the neighborhood. The home occupation shall not create or be associated with or produce odor, smoke, dust, heat, fumes, light, glare, noises or vibrations, excessive traffic, or other nuisances including interferences with radio and television reception or any other adverse effects within the neighborhood.

15. **Renter/Owner Responsibility.** If the applicant for a home occupation license rents or leases the property wherein the home occupation is intended to be conducted, the applicant must provide a letter of acknowledgment and consent from the property owner at the time the application is submitted to the Business License Office.

16. **Interior Alterations/Remodeling.** Interior alterations of the principal dwelling for the purpose of accommodating the home occupation are prohibited if such alteration eliminates the kitchen, and/or all of the dining areas, bathrooms, living areas, or all of the bedrooms.

E. **Category I Qualifications.** In addition to the standards previously set forth above, all Category I home occupation businesses must also comply with the provision of the qualifications outlined below. If a business finds that they are unable to fully comply with all of the qualifications set forth, the applicant may pursue possible approval as a Category II home occupation through the Conditional Use Permit process before submitting the application for a home occupation business license.

1. **Hours.** No visitors in conjunction with the home occupation (clients, patrons, employees, volunteers, students, pupils, etc.) shall be permitted between the hours of 10:00 p.m. and 6:00 a.m.

2. **Traffic.** Vehicular traffic from business related visitors and customers shall not exceed that which normally and reasonably occurs for a home in the neighborhood and shall be conducted so that the neighbors will not be significantly impacted by its existence. The home occupation shall be limited to two business related visitors or customers per hour, to a maximum of eight business related visitors or customers per day. Business related deliveries or pickups shall not exceed two per day.

3. **Delivery Vehicles.** The receipt or delivery of merchandise, goods, or supplies for use in a home occupation shall be limited to vehicles with a gross vehicle weight rating (GVWR) of 23,000 pounds or less.

4. **Conducted in a Home.** When business activities are being conducted on the property that is to be licensed, the home occupation shall be primarily conducted within the principal home.

5. **Maximum Floor Space.** No more than 25 percent of the total main floor area or upper living levels of the dwelling unit, nor in the alternative more than 50 percent of the total floor area of any basement of the home unit shall be utilized for the home occupation.

6. **Signs.** The home occupation may utilize one unanimated, non-illuminated flat sign for each street upon which the home abuts. The sign must be placed either in a window or on the exterior wall of the home wherein the home occupation is being conducted and may not have an area greater than one square foot.

7. **Display of Products.** The home occupation may include the sale of tangible goods. Direct sales from display apparatus is permitted only if the goods or products are not visible from the exterior of any approved structure being used for the home occupation.

8. **Food or Beverage Preparation for Consumption outside of the Home.** Any home occupation involving or proposing to involve food or drink preparation, storage, or catering. Such a home occupation will be permitted when it is authorized by the appropriate State or County department or agency.

9. **Category I Home Occupation License Involving Child Day Care and Other Child Group Activities**

a. The Category I home occupation shall not exceed eight children associated with child day care or other child group activities (e.g. dance schools, preschool, music classes, etc.) at any one time. A maximum of eight students/children are permitted per day. This number shall include the licensee's own children if they are under six years of age and are under the care of the licensee at the time the home occupation is conducted.

b. All child day care and other group child activity facilities shall provide safe, outdoor play time and space as required by Federal, State, County or local laws governing such business activities.

10. **Category I Home Occupation License Involving Elderly Day Care**

a. This type of Home Occupation shall not exceed supervising more than two elderly persons 60 years of age or older. Any Home Occupation of this nature which exceeds two individuals or more than 12 hours of operation will be considered a Category II Home Occupation and shall be reviewed and approved by the Planning Commission.

b. This type of Home Occupation must comply with all local and state laws governing such business activity.

F. **Category II, Conditional Use Permit Required.** If a home occupation is able to comply with all of the standards but is unable to comply with all of the Category I qualifications established above, the proposed business activities must be reviewed by the Planning Commission and granted a Conditional Use Permit before pursuing a Home Occupation Business License through the Business License Office.

1. **General.** In addition to any conditions established by the Planning Commission at the time of its review, all Category II home occupations must comply with the following:

a. All Category II home occupation uses shall only be conducted from property with a single family dwelling.

b. The Conditional Use Permit and the Home Occupation Business License shall be maintained in good standing for the entire period that business is being conducted.

2. **Compliance.** Uses are appropriate as licensable home occupations only if they are determined to be compatible with residential neighborhoods after full conditional use review by the Planning Commission, compliance with Title 5 Business Licensing, all of the standards and qualifications that have not been granted an exception through the conditional use process and additional regulations set forth hereafter.

3. **Child Day Care.** The following items indicate maximum limits that may be granted by the Planning Commission when a child day care is expected to exceed eight children at one time.

a. A maximum of 12 children is permitted at any one time.

b. A maximum of 18 children is permitted per day.

c. These numbers shall include the licensee's and any employees' children if they are under six years of age and are under the care of the licensee at the time the home occupation is conducted.

d. A maximum of 24 vehicular stops per day for child drop off or pick up is permitted.

4. **Group Child Activities.** The following provisions indicate a maximum limit that may be granted by the Planning Commission for other group child activities which are expected to generate or exceed eight children/students (e.g. dance schools, preschools, music classes,

other care or instruction for children) at any one time other than child day care.

a. The following guidelines shall be used to determine the maximum number of students/children permitted:

(1) A traffic plan that has been reviewed and approved by the City Transportation Engineer which includes acceptable traffic flow, drop-off and turn-around areas.

(2) The existing residential street is of sufficient width to accommodate additional vehicular traffic.

b. A maximum of 12 students/children per session and a maximum of 24 students/children per day shall be permitted.

c. A maximum of four sessions per day may be permitted.

d. All sessions combined shall not generate more than 24 vehicular stops per day.

e. The total number of students/children shall include the licensee's and any employees' children if they are under six years of age and are under the care of the licensee at the time the home occupation is conducted.

f. No group child activities falling under a Category II home occupation may be established within 300 feet as measured from property line to property line of another group child activity, Category II home occupation use.

5. Work Shops. Repair shops including welding, carpentry, sheet metal work, furniture manufacturing, upholstery, and other similar manufacturing activities.

6. Business Not Conducted Within a Home. Any home occupation which proposes or conducts activities within an outbuilding, accessory building, attached or detached garage. The following guidelines shall be used to determine the maximum impacts permitted:

a. The applicant for a Home Occupation Business License shall designate the areas of the home, attached/detached garage or accessory structure that will be used for the home occupation. If approved, the home occupation may be conducted only in the designated area.

b. No more than a maximum of 200 square feet, or in the alternative, no more than 50 percent of the total floor space (whichever is the greater) of any accessory structure, or attached or detached garage may be used for a home occupation unless there are specific exceptions granted by the Planning Commission.

c. Any home occupation uses in an attached or detached garage may not eliminate minimum parking requirements for the particular zone wherein the home occupation is located.

d. Any accessory structure used for a home occupation must maintain the architectural aesthetics or compatibility of the home and the immediate neighborhood.

e. The home occupation may utilize one unanimated, non-illuminated flat sign to be attached the accessory structure where the home occupation is being conducted in lieu of a sign attached to the home or in a window. The sign may not have an area greater than one square foot.

7. Home Occupations and Outdoor Activities. Any home occupations proposing to conduct business utilizing any yard space or in a swimming pool.

8. Dangerous Home Occupations. Any home occupation using explosives, incendiary products and devices, flammable, or hazardous chemicals.

9. Home Occupations Generating Excessive Traffic. Any home occupation which will generate in excess of two customers or visitors per hour or eight (8) per day. A maximum of 12 business-associated visitors per day may be allowed under a Conditional Use Permit, except as provided for child day care and other group child activities.

10. Large, Business Related Vehicles. Any home occupation which utilizes vehicles more than 24 feet in length.

11. More Than Two Home Occupation Licenses. Any home where the applicant(s) is seeking more than two home occupation licenses.

G. Prohibited Home Occupations. The following uses, by nature of the occupation, substantially impair the use and value of residentially zoned areas for residential purposes and are, therefore, prohibited:

1. Mortuary, crematorium, columbarium, mausoleum

2. Animal hospitals or veterinary services.

3. Clinic, dental office, medical office, chiropractic office, or hospital.

4. Junk yard, auto wrecking yard, or salvage yard.

5. Stables, kennels, pet stores, or any other commercial animal breeding business, or similar activities are prohibited. Activities may be allowed within the scope of a hobby license as issued by the Animal Services Division of Sandy City.

6. Storage, service, repair, sales or rental of ambulance, tow truck, recreational vehicle, water craft, automobiles, ATV, or other motorized vehicles.

7. Fitness or health spa facility.

8. Boutiques, sample sale, or craft shows.

9. Auto body repair, motor vehicle repair.

10. Use of specified chemicals, pesticides and flammable/combustible materials, and including any process or business where current, adopted Building and Fire Codes would require an Operational Permit.

11. Number of vehicular stops/or visits that would exceed 24 per day.

CONTACT PHONE NUMBERS:

BUILDING DEPARTMENT: (801) 568-7251

FIRE DEPARTMENT: (801) 568-2943

HEALTH DEPARTMENT: (801) 313-6641 (Sanitation & Safety)
(801) 313-6620 (Food Protection)

DEPT of AGRICULTURE (801) 518-9899

Notes:
